

Remarks

This Amendment and Response accompanies a Request for Continued Examination. Claims 1, 3-13, 15-24, and 29-32 are pending. Claims 1, 3, 13, and 15 have been amended. Claims 29-32 have been added. Claims 27 and 28 have been cancelled. Claims 2, 14, 25 and 26 have been previously cancelled. Support for the newly added claims and the amendments to Claims 1 and 13 may be found at least at page 13, lines 23-30 in the specification of the present application. Reconsideration is requested based on the following remarks.

Claim Rejections Under 35 USC 102

In the Final Office Action dated August 4, 2009 ("Office Action"), Claims 1, 3, 5-13, 15, 17-24, and 27-28 stand rejected pursuant to 35 USC 102(e) as being anticipated by Balay et al. (U.S. Pat. No. 7,116,665). Claims 1, 3, 5-13, 15, 17-24, and 27-28 also stand rejected pursuant to 35 USC 102(a) as being anticipated by Backman et al. (PCT Pat. App. No. WO 03/073707). The Office Action also provided "that Claims 1-26 are rejected for the same reasoning presented in the International Search Report supplied as IDS on 1/28/2005. The reasoning provided in the search report is incorporated by reference to this office action." (Office Action, p. 6.)

Claim 1

Claim 1 has been amended to describe that "for traffic transmitted by the first client through the first node intended for receipt by a second client downstream of the first node, preventing use of the downstream routing policy information to route the traffic intended for receipt by the second client and instead utilizing the upstream routing policy information in the first node to ensure forwarding of the traffic transmitted by the first client intended for receipt by the second client from the first node to the second node." Neither Balay nor Backman teach or suggest such features.

Balay is directed towards the use of virtual private networks (VPNs) on a more scalable level using distributed provider edge (PE) devices. (See Balay, col. 2, ll. 35-38.) The portion of Balay relied upon by the Office Action describes the use of a label

forwarding information base (LFIB) used to route "inbound" and "outbound" traffic with respect to a PE "backbone" device. (See Balay, col. 5, ll. 14-55.) However, Balay fails to teach or suggest any manner of "preventing use of the downstream routing policy information to route the traffic intended for receipt by the second client" that is "downstream" of the first client transmitting the traffic. Balay further fails to teach or suggest "utilizing the upstream routing policy information" instead of the "downstream routing policy" to ensure forwarding of the traffic intended for the second client is forwarded from a first node upstream of the first client to a second node. Thus, Balay fails to teach or suggest all of the limitations of amended Claim 1.

Backman also fails to teach or suggest such features. Backman describes a router using two VRF's – one designated for inbound traffic and one designated for outbound traffic. (Backman, p. 5, ll. 6-17.) However, Backman fails to teach or suggest "preventing use of the downstream routing policy information to route the traffic intended for receipt by the second client and instead utilizing the upstream routing policy information in the first node to ensure forwarding of the traffic transmitted by the first client intended for receipt by the second client from the first node to the second node."

For at least these reasons, none of the relied-upon references anticipates amended Claim 1. As a result, Applicants respectfully request that the rejection of Claim 1 be withdrawn.

Claim 3

The Office Action rejected Claim 3 alleging that Balay taught "populating the downstream routing policy information at the first node to include the network address information identifying the second client." (See Office Action, pp. 3-4.) However, the portion of Balay relied upon by the Office Action fails to mention populating the downstream routing policy information at the first node." The relied-upon portion describes look-up tables use to route data packets, but fails to mention populating routing policies at a first node. Furthermore, Backman fails to teach or suggest such features. For at least these reasons, as well as the reasons discussed with regard to

amended Claim 1, none of the relied-upon references anticipates amended Claim 3. As a result, Applicants respectfully request that the rejection of Claim 3 be withdrawn.

Claim 4

The Office Action rejected Claim 4 based on "the same reasoning presented in the International Search Report supplied as IDS on 1/28/2005." (Office Action, p. 6.) Applicants believe this to refer to Backman. However, Backman fails to describe any of the features present in Claim 4. For at least these reasons, as well as the reasons discussed with regard to amended Claims 1 and 3, none of the relied-upon references anticipates Claim 4. As a result, Applicants respectfully request that the rejection of Claim 4 be withdrawn.

Claim 5

The Office Action rejected Claim 5 alleging that column 6, lines 42-51 of Balay teach "based on routing policy information at the second node, establishing a return path between the second node and the first node on which to forward the network messages to the first client through the first node." (Office Action, p. 4.) However, the portion of Balay relied upon by the Office Action describes tunnel configurations, but fails to teach or suggest "establishing a return path between the second node and the first node on which to forward the network messages to the first client through the first node."

Moreover, the Office Action rejected Claim 5 alleging that "Balay teaches a method as in Claim 4." (Office Action, p. 4.) However, the Office Action failed to reject Claim 4 based on Balay. Instead, the Office Action only provided a rejection Claim 4 at the end of the Detailed Action as a blanket rejection of Claims 1-26 based on "the same reasoning presented in the International Search Report supplied as IDS on 1/28/2005." (Office Action, p. 6.). As such, Applicants respectfully believe that the rejection of Claim 5 is improper because the Office Action has failed to identify where in Balay the limitations of Claim 4, from which Claim 5 depends, are found.

For at least these reasons, as well as the reasons discussed with regard to amended Claims 1 and 3 and Claim 4, Applicants respectfully request that the rejection of Claim 5 be withdrawn.

Claims 6-12

Claims 6-12 are dependent upon Claim 1. As a result, Applicants respectfully request that the rejections of Claims 6-12 be withdrawn for at least the reasons discussed with regard to amended Claim 1.

Claim 13

Claim 13 has been amended to describe that "for traffic transmitted by the first client through the first node intended for receipt by the second client downstream of the first node, preventing use of the downstream routing policy information to route the traffic intended for receipt by the second client and instead utilizing the upstream routing policy information in the first node to ensure forwarding of the traffic transmitted by the first client intended for receipt by the second client from the first node to the second node." For at least the reasons discussed with regard amended Claim 1, neither Balay nor Backman teach or suggest such features. As a result, none of the relied-upon references teaches or suggests all of the limitations of amended Claim 13. As such, Applicants respectfully request that the rejection of Claim 13 be withdrawn.

Claim 15

Amended Claim 15 is dependent upon amended Claim 13 and includes limitations similar to those described in amended Claim 3. As a result, Applicants respectfully request that the rejection of Claim 15 be withdrawn for at least the reasons discussed with regard to amended Claims 3 and 13.

Claim 16

Claim 16 is dependent upon amended Claim 13 and includes limitations similar to those described in Claim 4. As a result, Applicants respectfully request that the

rejection of Claim 16 be withdrawn for at least the reasons discussed with regard to Claim 4 and amended Claim 13.

Claim 17

Claim 17 is dependent upon amended Claim 13 and includes limitations similar to those described in Claim 5. As a result, Applicants respectfully request that the rejection of Claim 17 be withdrawn for at least the reasons discussed with regard to Claim 5 and amended Claim 13.

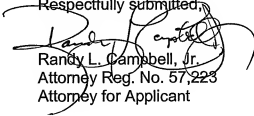
Claims 18-24

Claims 18-24 are dependent upon amended Claim 13. As a result, Applicants respectfully request that the rejections of Claims 18-24 be withdrawn for at least the reasons discussed with regard to amended Claim 13.

Conclusion

Applicants respectfully believe that the presently pending claims of this application are allowable over the cited references, and Applicants respectfully request the Examiner to so find and issue a Notice of Allowance for this application. Should the Examiner deem a telephone conference to be beneficial in expediting allowance/examination of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,



Randy L. Campbell, Jr.
Attorney Reg. No. 57,223
Attorney for Applicant

RLC/sev

BRINKS HOFER GILSON & LIONE

CUSTOMER NO. 27879

Telephone: 317-636-0886

Facsimile: 317-634-6701